

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

KRISCHELLE R. BREMER,

Appellant.

No. 38236-9-II

UNPUBLISHED OPINION

Houghton, J. — Krischelle Bremer appeals her conviction for unlawful possession of methamphetamine with an intent to deliver with a school bus route stop enhancement, arguing that the State failed to present sufficient evidence that she committed the crime within 1,000 feet of a school bus route stop. We affirm.¹

FACTS

On April 5, 2008, Washington State Patrol Trooper Thoma stopped a vehicle on State Route 14 after someone threw a lit cigarette out the vehicle. Bremer was a passenger in the vehicle. Thoma learned that the driver had an outstanding arrest warrant from Oregon and arrested him. During a search of the vehicle incident to arrest, Thoma located a black pouch under the passenger seat containing baggies of suspected methamphetamine, glass pipes, a digital scale, scraping tools, and syringes. He also found a police scanner and two pairs of binoculars on

¹ A commissioner of this court initially considered Bremer's appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

the dashboard. In Bremer's purse, he found five \$100 bills, seven \$50 bills and 13 \$20 bills.

Bremer testified that she had the money to purchase a travel trailer. She denied knowing that the black pouch was under the passenger seat.

The State charged Bremer with unlawful possession of methamphetamine with intent to deliver. RCW 69.50.401(1), (2)(b). It also alleged that Bremer committed the crime within 1,000 feet of a school bus route stop. RCW 69.50.435(1)(c) and RCW 9.94A.533(b). Thoma testified as described above. A forensic scientist testified that one of the baggies found in the black pouch contained methamphetamine. The parties stipulated that the baggie contained 7.3 grams of methamphetamine.

Matt Deitemeyer, an expert witness, marked on a map the place where Thoma stopped the vehicle. Caroline Dorey, a traffic and safety officer for the Evergreen School District, testified that there is a school bus stop on 16th Street off French Road, where Deitemeyer marked the map. Deitemeyer testified that the distance between the traffic stop and the school bus stop was 686 feet.

The jury found Bremer guilty as charged. It also found that she possessed the methamphetamine within 1,000 feet of a school bus route stop. As a result of that special verdict, the trial court imposed an additional 24 months of confinement. Bremer appeals only the special verdict resulting in the school bus route stop enhancement.

ANALYSIS

Bremer argues that the State failed to present sufficient evidence she possessed methamphetamine within 1,000 feet of a school bus route stop. She contends that Dorey

identified the location of the school bus stop as of the date of the trial, July 21, 2008, but she did not identify the location of the school bus stop as of the date of the offense, April 5, 2008.

Bremer contends that because Dorey testified that the locations of school bus stops change often, her testimony did not sufficiently establish the location of the school bus stop as of April 5, 2008.

Sufficient evidence supports a conviction or special verdict if any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt when viewing the evidence in the light most favorable to the State. *State v. Thomas*, 150 Wn.2d 821, 874, 83 P.3d 970 (2004). An appellant claiming insufficiency of the evidence “‘admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom.’” *Thomas*, at 874 (quoting *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992)).

The prosecutor asked Dorey, “Prior to coming to court this morning, did you review bus stops in the area of State Route 14 just . . . west of the Ellsworth overpass?” Report of Proceedings at 78. She replied that she had and proceeded to identify a number of school bus stops, including one at the location that Deitemeyer had marked on the map. Deitemeyer testified that the map he used was current as of 2007. Bremer interprets Dorey’s answers as identifying the school bus stop locations as of the day of trial. But even accepting this interpretation, the State presented evidence that in 2007 and on July 21, 2008, a school bus route stop existed on 16th Street off French Road. A rational trier of fact could find beyond a reasonable doubt that a school bus route stop existed at that location on April 5, 2008, a date between the dates for which the State established the location of the school bus route stop. Sufficient evidence supports the jury’s special verdict.

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Affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports but it will be filed for public record pursuant to RCW 2.06.040.

Houghton, J.

We concur:

Bridgewater, J.

Van Deren, C.J.